

# News from Ed Markey

**United States Congress**

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## **REP. MARKEY RE-INTRODUCES EXTREMELY HAZARDOUS MATERIALS TRANSPORTATION SECURITY BILL**

**Calls for national re-routing policy for extremely hazardous materials shipments**

**Washington, DC:** Representative Edward Markey (D-MA), a senior member of the Select Committee on Homeland Security, today re-introduced legislation to requiring the Department of Homeland Security to impose additional security requirements for shipments of extremely hazardous materials, including re-routing of such shipments around areas that raise particular security concerns when a safer route is available.

“Today there is a little luck of the Irish in all of us, but even we Irish don’t recommend relying on luck as a substitute for keeping hazardous shipments secure,” said Rep. Markey. “Across the country, enough chlorine to kill 100,000 people in half an hour is routinely contained in a single rail tanker car that rolls right through crowded urban centers without adequate security protections. The industry, with the encouragement of the Bush Administration, claims it can’t afford to beef up security and re-route the most dangerous materials. The reality is that *we can’t afford not to.*”

Each day hundreds of thousands of shipments of extremely hazardous materials travel through densely populated areas and near critical infrastructure. In 2003, an Ohio-based Al Qaeda operative was arrested for providing material support to terrorists including plotting to collapse a bridge in New York City and derail a train in DC. He has since pled guilty. The Department of Homeland Security recently identified the puncture of a chlorine tank as one of the catastrophic terrorist scenarios it believes the country must be better prepared to prevent and respond to. Additionally, the former Bush Administration Deputy Homeland Security Advisor recently told Congress that “toxic-by-inhalation industrial chemicals present a mass-casualty terrorist potential rivaled only by improvised nuclear devices, certain acts of bioterrorism, and the collapse of large, occupied buildings. To date, the federal government has made no material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.”

Last month, the DC City Council approved a bill to temporarily re-route shipments of extremely hazardous materials around DC. The Bush Administration and the rail and truck industries including CSX, the rail company that owns the tracks in DC, have opposed the bill, which is currently being litigated. While CSX initially claimed that it was “voluntarily re-routing” all extremely hazardous materials around DC, its court filings in the DC case indicate that in fact, the company was only re-routing some materials, and was doing so only along one route passing through the city.

“The DC vote may be the first, but it won’t be the last such bill, as local governments will continue to lose faith in the Bush Administration’s willingness to take meaningful steps to address the security flaws associated with these shipments, and they clearly can’t trust the industry to take voluntary half-measures,” said Rep. Markey. “What we need is a national policy, and that is why I have re-introduced my bill.”

The bill Rep. Markey has re-introduced calls on the Secretary of DHS to promulgate regulations to:

- Require the Department of Homeland Security to re-route the most dangerous materials (the ones like chlorine that are toxic by inhalation, and highly flammable or explosive materials) around densely populated or other sensitive areas when a safer route is available.
- Increase the physical security measures surrounding shipments of extremely hazardous materials, such as extra security guards and the use of more surveillance technologies.
- Require the use of technologies that could make railcars full of toxic gases such as chlorine more resistant to punctures.
- Require increased coordination between the industry, the law enforcement community and first responders so that emergency personnel are notified before toxic chemicals are transported through their jurisdictions and have response plans in place.
- Require training for employees who work with shipments of these materials.
- Provide whistleblower protections for personnel who report security or safety problems.
- Impose civil and administrative penalties for those who fail to comply with the regulations.

Senator Jon S. Corzine (D-NJ), an outspoken leader on chemical, rail and homeland security issues, will introduce a similar bill in the Senate.

“The rail industry fuels our economy by hauling goods and services throughout our country and shipping products to remote parts of our nation,” said Corzine. “But the transport of hazardous materials also poses stark public safety risks to communities throughout America. Every day, trains carrying poisonous, lethal materials pass through towns all across our country. This legislation isn’t about adding an extra layer of regulation on industry, but about adding an extra layer of protection for everyday Americans.”

Rep. Markey and Senator Corzine will be working together to pass legislation to increase security requirements for shipments of extremely hazardous materials and protect our cities and towns from a hazardous materials disaster.

For more information on Rep. Markey’s legislation on homeland security check out:  
<http://www.house.gov/markey/>